

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB2399 HD1
RELATING TO WASTE MANAGEMENT**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: 2/15/2022 Room Number: Via Videoconference

1 **Fiscal Implications:** Costs to implement this measure will impact the priorities identified in the
2 Governor's Executive Budget Request for the Department of Health's (Department)
3 appropriations and personnel priorities. The Department estimates that it will need to establish
4 three positions, one initially via appropriation by the State Legislature, and all three subsequently
5 funded by the extended producer responsibility (EPR) special fund created by this bill.

6 **Department Testimony:** Packaging waste is a significant pollutant and addressing packaging
7 waste will benefit the State and protect the environment, economy, and public health. Costs to
8 develop and implement solutions to address packaging waste is currently borne by taxpayers in
9 the State and counties, and HB2399 HD1 proposes an innovative solution to require producers of
10 excessive packaging waste to be accountable for their products.

11 The Department supports HB2399 HD1 to implement an EPR program to address
12 packaging waste through the counties. Each county is best suited to address its own solid waste
13 issues, and creating a mechanism where producers work directly with each county can address
14 longstanding issues due to population density and shipping logistics on the neighbor islands.

15 **Offered Amendments:** None

16 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
ON
HOUSE BILL NO. 2399, H.D. 1

February 15, 2022
2:00 p.m.
Room 329 and Videoconference

RELATING TO WASTE MANAGEMENT

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 2399, H.D. 1, establishes an extended producer responsibility program (EPRP) which:

- Prohibits unregistered covered producers from selling or offering for sale any fast-moving consumer good beginning and ending on a date determined by administrative rule.
- Requires covered producers to register with the Department of Health (DOH) and pay a fee of \$150 for each metric ton of packaging placed in the market in the State.
- Establishes the Extended Producer Responsibility Special Fund (EPRSF).
- Requires each county to develop a countywide needs assessment for resources needed to reduce the amount of packaging waste sent to landfills.
- Requires DOH to submit an annual report to the Legislature that contains a summary of the county needs assessments and a summary of the EPRSF.
- Appropriates an unspecified amount in general funds in FY 23 for deposit into the EPRSF.

- Appropriates an unspecified amount in special funds from the EPRSF in FY 23 for the counties to prepare countywide need assessments.
- Appropriates an unspecified amount in special funds from the EPRSF in FY 23 for the administration of the EPRP.
- Appropriates an unspecified amount in general funds in FY 23 to DOH for 1.00 full-time equivalent position for the EPRP

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

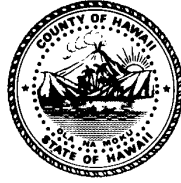
The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2399, H.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.

Mitchell D. Roth
Mayor

Lee Lord
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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February 14, 2022

Rep. Aaron Ling Johanson, Chair, and
Members of the Committee on Consumer Protection and Commerce

Dear Chair Johanson,

The County of Hawai'i Department of Environmental Management supports HB 2399 to implement an EPR program to address packaging waste through the counties. Each county is best suited to address its own solid waste issues. Creating a mechanism where producers work directly with each county can address longstanding issues due to population density and shipping logistics on all islands.

Hawai'i's market share is small, but its low resident population, remote location bounded by the Pacific Ocean, global image as a pristine environment, and steady influx of visitors makes it the perfect proving grounds for innovative reuse strategies.

The corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, 16 of the top 20 are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable, or compostable.

Further, and perhaps most important, our national collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. This legislation compels the top producers to take the lead on developing reuse strategies by effectively partnering them with the County of Hawai'i and its community-driven zero waste movement.

We support Department of Health's request for more staff to administer the EPR program, as well as their request to move the implementation date to a time that best suits them.

Sincerely

Ramzi Mansour, Director

MICHAEL P. VICTORINO
Mayor
ERIC A. NAKAGAWA, P.E.
Director
SHAYNE R. AGAWA, P.E.
Deputy Director
MICHAEL KEHANO, P.E.
Solid Waste Division
SCOTT R. ROLLINS, P.E.
Wastewater Reclamation Division
TAMARA L. FARNSWORTH
Environmental Protection &
Sustainability Division



**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2145 KAOHU STREET, SUITE 102
WAILUKU, MAUI, HAWAII 96793

February 14, 2022

TESTIMONY OF TAMARA L. FARNSWORTH
COUNTY OF MAUI, MANAGER OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY
DIVISION

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Tuesday, February 15, 2022, 2:00 p.m.
Via Videoconference

In consideration of **HOUSE BILL 2399 HD 1 RELATING TO WASTE MANAGEMENT**
Honorable Aaron Lin Johanson, Chair
Honorable Lisa Kitagawa, Vice Chair
Honorable Members of the Committee on Consumer Protection & Commerce

The County of Maui Department of Environmental Management stands in **SUPPORT of HB2399 HD 1** which would establish an extended producer responsibility program within the Department of Health for large-scale manufacturers of “fast-moving consumer goods”, appropriate funds for one additional position to administer the program, and direct moneys collected to the four counties to conduct a baseline and needs assessment study to in order to achieve an 80% reduction of packing waste.

Extended Producer Responsibility (EPR) programing is the next frontier in sustainable waste management. As the County of Maui moves forward with adopting Zero Waste principles and practices as policy, EPR is recognized as one of the highest priorities to achieve these goals. This bill represents a “transitional EPR” model which will assist the counties to determine a baseline and needs to significantly reduce packaging waste. Currently, the burden of managing product packaging waste falls onto municipal systems, county agencies, and county taxpayers. EPR highlights and re-establishes the responsibility that product manufacturers should take for the full life cycles of the products they make. This will encourage innovations in reuse and designing for the end of life and/or recycling of the packaging of the products they manufacture, as well as financially providing for the circular economic model that will relieve some of the burden of disposal on consumers and municipalities.

Due to the importance and extent of this program, we support funding for three (3) additional positions and additional time to implement the requirements, as identified by the Department of Health.

Thank you for the opportunity to provide testimony **in support of HB 2399 HD 1.**

TO: Chair Aaron Ling Johanson; Vice Chair Lisa Kitagawa; and Committee

FROM: Adrian Hong, President of Island Plastic Bags, Inc.

RE: HB 2399 HD1 Relating to Recycling

POSITION: OPPOSE

Thank you for the opportunity to submit testimony in opposition to HB 2399 HD1. My name is Adrian Hong and I am the president of Island Plastic Bags Inc. (IPB), a second-generation, family business in Halawa Valley that manufactures plastic trash liners and recycles plastic scraps. The issue of extended producer responsibility (EPR) should be addressed at the federal level or in coordination with as many states as possible.

Packaging used in Hawaii is created all over the world. The recycling systems in place now and in the future are not and will not be in Hawaii but on the mainland. As are the experts in packaging design and manufacture. This points to a federal or multi-state response. Each state having their own EPR will lead to inefficiencies and higher expenses that do not lead to better environmental outcomes. A federal or multi-state response will have better resources, expertise, leverage, and reach.

Island Plastic Bags is not against the idea of extended producer responsibility. There should be incentives to design packaging so it is easier to recycle and reuse. The company does object to each state having its own EPR. The compliance requirements would be enormous and the outcomes poorer. Thank you for the opportunity to provide testimony in opposition to HB 2399 HD1. Should you have any questions or comments about my testimony you can contact me by email at ahong@islandplasticbags.com or by phone at 808-484-4046.

Sincerely,

Adrian K. Hong, CPA*

President

Island Plastic Bags, Inc.

www.islandplasticbags.com

Email: ahong@islandplasticbags.com | Phone: 808-484-4046 | Fax: 808-488-8505

*Not in public practice

HB-2399-HD-1

Submitted on: 2/12/2022 9:05:09 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Henry Curtis	Life of the Land	Support	No

Comments:

Please pass. Mahalo



**Written Testimony of
David Thorp, American Beverage Association**
Before the House Committee on Consumer Protection & Commerce
Opposition of H.B. 2399, HD1: Relating to Waste Management
February 15, 2022

Good afternoon Chair Johanson, Vice Chair Kitagawa and members of the committee. Thank you for the opportunity to comment in opposition of H.B. 2399, HD 1 – relating to waste management.

I am David Thorp, Vice President, State Government Affairs West for the American Beverage Association (ABA). The American Beverage Association is the trade association representing the non-alcoholic beverage industry across the country and here in Hawaii.

Beverage industry’s local impact on Hawaii’s economy

The beverage industry is an important part of Hawaii’s economy – and one of the few remaining industries still manufacturing on the Islands. Unlike most consumer products, many of our beverages, aluminum cans and plastic bottles are manufactured and distributed in Hawaii by local workers.

Non-alcoholic beverage companies in Hawaii provide 1,200 good-paying jobs across the state. The industry helps to support thousands more workers in businesses that rely in part on beverage sales for their livelihoods and, such as grocery stores, restaurants and theaters.

Extended Producer Responsibility (EPR) legislation (H.B. 1684) was introduced this session to establish an EPR program for Hawaii. One of the first steps in any EPR program is to conduct a needs assessment which is funded and managed by a Producer Responsibility Organization (PRO) set up by an EPR law. However, H.B. 1684 failed to be approved by the EEP Committee.

The proposed “fee” in H.B. 2399, HD 1 is simply a packaging tax on select large corporations to provide funding to counties to conduct their own needs assessments to reduce waste and increase recycling. If the state wants to conduct a needs assessment for an EPR program, then EPR legislation needs to be passed first so that all impacted industries can pay into the EPR system while also providing proper oversight and management.

Sincerely,

David Thorp

David Thorp
American Beverage Association
Vice President, State Government Affairs West

HB-2399-HD-1

Submitted on: 2/14/2022 11:06:18 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Yes

Comments:

To: The Honorable Aaron Ling Johanson, Chair, the Honorable Lisa Kitagawa, Vice Chair, and members of the House Consumer Protection and Commerce Committee

From: Hawai'i Reef and Ocean Coalition (HIROC) (by Ted Bohlen)

Re: Hearing HB2399 RELATING TO WASTE MANAGEMENT.

Tuesday February 15, 2022, 2:00 p.m., by videoconference

Aloha Chair Johanson, Vice Chair Kitagawa and members of the House Consumer Protection and Commerce Committee!

The Hawai'i Reef and Ocean Coalition is a group focused on protecting coral reefs and marine life, including from plastic marine debris. **The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB2399 HD1!**

In order to reduce environmental degradation of our ocean, lands, and climate, Hawaii needs to move from a linear waste disposal system to a more circular system, with less wasteful packaging design, greater reuse and, where appropriate, improved recycling of packaging materials. The producers of bottles and other packaging materials, as the ones who have great control over the content, need to take on a greater role.

This bill marks a reasonable first step toward what is called "extended producer responsibility," where producers take on greater responsibility for the content and reuse of their packaging and reduce waste. The largest producers will also be asked to take on some of the accompanying costs of waste, rather than putting the costs all on taxpayers.

Hawai'i is a unique and isolated market regarding its waste, and so requires a system tailored for Hawai'i. There are currently opportunities to utilize federal funding dollars to begin the transition to a more circular waste system. This bill takes these concerns into consideration.

We ask that you pass this bill!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



February 15, 2022

TO: Representative Aaron Ling Johanson, Chair
Members, House Committee on Consumer Protection and Commerce

FR: Tim Shestek
Senior Director, State Affairs

RE: **HB2399 HD1 – COMMENTS**

The American Chemistry Council (ACC) appreciates the opportunity to comment on **HB2399 HD1**, legislation that seeks to establish an extended producer responsibility (EPR) program for packaging materials.

ACC and its member companies support a variety of policies that aim to reduce plastic waste in the environment, increase the collection and processing of plastic material and create new market demand for recovered plastics. We have established industry targets that 100% of plastic packaging be recyclable or recoverable by 2030 and that plastic packaging contain a minimum of 30% post-consumer recycled material by that same date.

In addition, efforts to modernize and expand the nation's recycling infrastructure have significantly increased. In the last three years, 64 projects in mechanical and advanced recycling¹ in the U.S have been announced, valued at \$6 billion. Together, these projects have the potential to divert approximately 8.9 billion pounds of waste from landfills each year.

As drafted, HB2399 HD1 would require certain producers of covered products to register with the Dept. of Health and pay an initial registration fee, based on each metric ton of packaging placed into commerce. Each county is then tasked with developing a countywide needs assessment that would detail the resources needed to reduce by 50% the volume of packaging waste landfilled by 2026 and by 80% by 2030.

It is not clear from the language what would be required of producers in terms of their compliance obligations, if any or what factors will be considered in how recycling and waste diversion will be measured. Additional specificity in terms of how revenue raised would be disbursed, as well as the potential fiscal impact this measure may have on consumer goods would be helpful. It is also unclear if there will be opportunities for stakeholders to participate in the needs assessment process the counties are required to implement.

Should HB2399 HD1 move forward, ACC encourages the committee to engage in further dialogue with producers, material suppliers, packaging producers, waste industry representatives, environmental organizations, local governments, and other stakeholders to discuss crafting an EPR program that is efficient, effective, and implementable. ACC looks forward to being part of such a discussion.

ACC also believes an effective EPR system for consumer packaging can improve the collection and recycling of packaging materials. At its core, an EPR system should do the following:

¹ <https://www.americanchemistry.com/better-policy-regulation/plastics/advanced-recycling>



Improve the recycling system overall by increasing access and modernizing the collection of all materials, including metals, paper, glass, and plastic.

- Increase the types and volumes of materials that are currently recycled through increased access, collection and sortation infrastructure investment.
- Improve education for consumers and residents to increase participation and reduce confusion and contamination.
- Encourage new business initiatives and entrepreneurs focused on developing local solutions that promote circularity.

Provide funding to help improve recycling access, collection, sorting and outreach by investing all money collected through fees on consumer-packaged goods back into the system.

- Companies that manufacture consumer packaged goods could provide additional resources to support existing government and subscriber funding to improve recovery and recycling for all packaging materials.
- All packaging materials should be covered by the program to ensure specific packaging does not disproportionately shoulder the funding support required for the overall system.
- Funds collected through the program should be reinvested solely to help expand efficient collection and sorting and enable recycling systems, while capitalizing on existing infrastructure.
- Systems should provide disincentives to landfilling waste with the objective of encouraging recycling.

Consider and incentivize the use of packaging materials with better environmental performance.

- Recognize key sustainability attributes such as source reduction, weight, energy and water use, greenhouse gas emissions and food waste reduction.
- Consider the circularity traits of all materials such as recycled content, recyclability and composting.
- Support initiatives that use environmentally sustainable recycling technologies and packaging.

Support innovation in recycling technologies via the private and public sectors to ensure more used plastic is reused and not treated as waste.

- Support a competitive marketplace for increased investment in improved sortation and mechanical recycling.
- Recognize the role of advanced recycling in recovering more plastic waste and in producing recycled plastics and other recycled products.

Maintain and promote a competitive, free market approach to strengthen manufacturing supply chains and to develop recycling infrastructure and new circular markets for recycled plastics through appropriate collaboration across the plastics value chain.

- Maintain the important roles of local government and waste management companies, including operation and management of community and municipal waste management programs to avoid single-source providers and stranded assets.
- Allow companies to freely compete for materials.
- Allow use of new technologies and processes for materials to be remanufactured into new products.
- Reward efficiency and innovation and, where possible, help build on existing infrastructure.

As drafted, HB2399 HD1 would require producers of covered products to register with the Dept. of Health and pay an initial registration fee, based on each metric ton of packaging placed into commerce. Each county is then tasked with developing a countywide needs assessment that would detail the resources needed to reduce by 50% the volume of packaging waste landfilled by 2026 and by 80% by 2030.

Thank you in advance for considering our views. If you have any questions, please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com. You may also contact ACC's Hawaii based representative Ross Yamasaki at 808-531-4551 or via email at ryamasaki@808cch.com

HB-2399-HD-1

Submitted on: 2/14/2022 12:58:00 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Dean	Recycle Hawaii	Support	Yes

Comments:

EPR, Extended Product Responsibility HB 2399

This Bill would require manufacturers to be responsible for reducing or eliminating packaging altogether, or packaging their product in a reusable package, or facilitate recycling if there's no other solution. This is our chance to all come together and create a whole new dynamic, a whole new way to visualize and structure our supply chain. It doesn't end at the cash register, currently it ends in the ocean, our streets, the landfill, the atmosphere. The world now produces 380 million tons of plastic each year. [<https://ourworldindata.org/plastic-pollution>] We can no longer ignore these facts. We can no longer continue with this behavior. The time has come to take responsibility for our actions, all of us, citizens, governments and corporations. Let's change that linear thinking and close the loop.

As you read this testimony, there's a good chance you're breathing plastic. On average, we consume about half a pound of plastic per year. "...the average American eats and drinks in about 45,000 plastic particles smaller than 130 microns annually, while breathing in roughly the same number." [<https://phys.org/news/2019-06-consume-credit-card-worth-plastic.html>] I know you've read about how plastics can take hundreds of years to break down in the environment, but in reality, it never breaks down. Plastics are made from oil and methane gas. Those substances have been decomposing for millions of years and they have already broken down into their lowest common denominator. All we've done is released them into our environment. Now we need to get control of these substances, because they are literally killing us and our children.

As I'm sure you remember, matter and energy cannot be created or destroyed, only transformed. That's why incineration, or "waste to energy" is an illusion. Yes, some of the energy in our rubbish is transformed into heat to make electricity, but much of it is just more waste, into the atmosphere. The burning of rubbish releases tons of CO2 and thousands of different chemical compounds into the atmosphere. We like to pretend that fire destroys things, but it doesn't, it transforms things and those things end up poisoning our air, water and land. Also, incineration is a linear mindset. We cannot continue to extract materials from our natural world and then destroy them. We live on a finite sphere and we've used it all up, there's no place left for the other animals. We can't survive without those other animals. Capitalism competes with those animals for real estate and resources. Today 200 species of animals will go extinct, gone forever. Tomorrow 200 more will disappear. Everyday we lose 200 species of animals. We're losing animal species now at a rate that's faster than after the meteor hit 65 million years ago. The biggest driver of this extinction event is loss of habitat. We can't

continue to destroy their habitat to maintain this linear economic model. We have to close the loop or they'll die and if they die, we'll die.

Please, there's no time to waste, we have to act now. Legislators before you have kicked this plastic bottle down the road, now you have to pick it up. It's not fair, and you can blame them, blame us, blame humanity, but at some point, someone has to do something to stop this insanity and that person is you, and the time is now.

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February 14, 2022

Representative Aaron Johanson
Chair, House Committee on Consumer
Protection and Commerce
415 South Beretania Street
Hawaii State Capitol, Room 436
Honolulu, HI 96813

Representative Lisa Kitagawa
Vice Chair, House Committee on Consumer
Protection and Commerce
415 South Beretania Street
Hawaii State Capitol, Room 315
Honolulu, HI 96813

Dear Chair Johanson and Vice Chair Kitagawa,

On behalf of companies that make medicine for animals, I am writing to request a clarification to HB 2399, an act relating to waste management, and ask that animal health products not to be subject to the requirements of this bill.

The Animal Health Institute (AHI) is the U.S. trade association for research-based manufacturers of animal health products – the medicines that keep pets and livestock healthy.

The animal health industry is committed to improved sustainability in all facets of the supply chain, including the packaging used to deliver safe products to customers. Many companies have already made changes to reduce unnecessary packing waste, including replacing Styrofoam packing needed to keep vaccines cold with reusable coolers.

Sustainability is one factor among many that animal health companies must consider in the packaging equation. Medical products for animals are required to be sterile or enclosed in packaging with tamper-resistant seals to protect public health. Other factors that must be considered include:

- protection against all adverse external influences that can alter the properties of the product, e.g., moisture, light, oxygen, and temperature variations;
- protection against biological contamination;
- protection against physical damage;
- ability to carry the correct information and identification of the product;
- ability to ensure these requirements are met throughout the whole of the intended shelf-life of the product.

Additionally, depending on the requirements from the governing federal agency, products may be labeled with specific instructions on disposal.

The kind of packaging and the materials used must be chosen in such a way that the packaging itself does not chemically interact with the product through leaching or absorption. Conversely, the packaging must not allow the product to have an adverse effect on the packaging, changing its properties or affecting its protective function.

Animal health products are licensed by three different federal agencies, each with their own unique packaging standards and requirements.

1. Drugs approved by the Food and Drug Administration under the Food, Drug and Cosmetic Act. Sponsors must specify for the agency the materials of construction and packaging used for each product and provide data showing those factors will maintain stability of the product over its shelf life. Consequently, each product has its own unique approved packaging. Changes to product packaging take months of development followed by FDA review and approval.
2. Vaccines and biologics are approved by the US Department of Agriculture under the Virus, Serum, Toxins Act. Manufacturers are required to ensure packaging maintains the integrity of the vaccine, so temperature is a major consideration. Packaging must also accommodate detailed USDA labeling requirements.
3. Flea and tick prevention products are approved by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act. FIFRA §25(c)(3) authorizes EPA to establish standards with respect to the package, container, or wrapping in which a pesticide or device is enclosed to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated under FIFRA. Additionally, §25(c)(3) requires EPA's CRP standards to be consistent with those established under the Poison Prevention Packaging Act of 1970.

In order for animal health companies to maintain product safety and stability while increasing the sustainability of packaging, we ask that animal health products not to be subject to the requirements of this bill and offer this possible exemption language:

In Section 2, the following products shall not be considered covered material or products:

- (1) Used for drugs, medical devices, biologics, or diagnostics approved or authorized by the Food and Drug Administration or United States Department of Agriculture for use in animals;
- (2) Used for veterinary pesticide products approved by the Environmental Protection Agency for use in animals.

Please let me know if you have questions or if I can provide additional information. Thank you for your consideration.

Sincerely,



Ronald B. Phillips
Vice President, Legislative and Public Affairs



To: The House Committee on Consumer Protection & Commerce Committee
From: Sherry Pollack, 350Hawaii.org
Date: Tuesday, February 15, 2022, 2pm

In support of HB2399 HD1

Aloha Chair Johanson, Vice Chair Kitigawa, and Consumer Protection & Commerce Committee members,

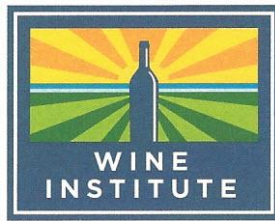
I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org is in **support of HB2399 HD1**.

HB2399 HD1 establishes an extended producer responsibility (EPR) program. More and more consumers are rightfully demanding environmentally friendly products that reduce waste and are manufactured with fewer toxic materials. By reducing waste, we are reducing greenhouse gas emissions that contribute to global climate breakdown. When we reduce waste, we help sustain the environment for future generations. However, product stewardship is needed. Product manufacturers must take responsibility to reduce the environmental footprint of their products. Establishing an EPR program is an important step forward in that effort.

As the State strives to fulfill its commitments to reduce waste and effectively mitigate the impacts of climate change, EPR policies offer an effective pathway forward towards a safe and sustainable climate and future.

Thank you for the opportunity to testify on this important measure.

Sherry Pollack
Co-Founder, 350Hawaii.org



Sally H. Jefferson
Director, Western States

THE HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

February 15, 2022

Testimony in Opposition to HB 2399, HD1

Chair Johanson, Vice Chair Kitagawa and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 2399, HD1, RELATING TO WASTE MANAGEMENT. Wine Institute is a public policy association representing more than 1000 California wineries who are committed to sustainability with an impressive 80% of California's total wine production certified under a statewide sustainable winegrowing program. This program encourages use of products with recycled content, reusability, takeback or recyclable packaging, and non-toxic materials.

We are committed to participating in discussions regarding the development of efficient, cost-effective means for handling wine packaging. While we support the objective of recovering more wine packaging, we have concerns with HB 2399, HD1.

The legislation would require producers of covered materials and products to register with the state and pay a "fee", based on each metric ton of packaging placed into commerce, into a new "extended producer responsibility special fund" to be administered by the Department of Health. This fund would be used for the development of a needs assessment by each county for reducing the volume of packaging waste sent to landfills by 50% and the volume sent to power plants that burn municipal solid waste as a fuel by 80%. The Department also would make moneys available from the fund for "packaging reuse programs" in each county.

HB 2399, HD1 as currently written, is unclear and vague on a number of fronts including what would be required of producers in terms of compliance obligations and the factors that would be considered for measuring recycling and waste diversion. We also believe that any needs assessment to reduce the volume of packaging waste must not only evaluate the benefits but also the costs to consumers that may result in the form of higher prices, decreased product availability and increased taxes. It also must evaluate the costs to producers and local businesses, supply chain challenges, infrastructure needs and the projected market availability for recycled content.

We strongly encourage engaging in extensive dialogue with producers, material suppliers, waste industry representatives and other stakeholders in developing an EPR program that is feasible, efficient and effective.

For the reasons stated above, Wine Institute respectfully urges you to hold this legislation. Thank you for your consideration of our views.



TESTIMONY OF RECYCLE HAWAII on HB2399~EPR **Submitted by Kristine Kubat, Executive Director**

Recycle Hawaii thanks Representative Lowen for the opportunity to testify on this important issue. Our organization was involved in crafting HB2399 and we are grateful that the representative chose to honor the grassroots effort that went into its evolution by introducing the bill, rallying signatures in support and making sure it was heard. We also want to report that a great deal of vetting on the bill concept occurred at the national level, not only with environmental organizations but also with producers who will be subject to its provisions.

Extended Producer Responsibility is an idea whose time has come, or as Mike Burke, the Solid Waste Management Coordinator for the Hawaii Department of Health likes to say when it comes to EPR, "the writing is on the wall." Recycle Hawaii acknowledges the legislators who grasp this; we are eager to increase awareness among those who are still learning, and help everyone understand the benefits of partnering with producers on waste reduction initiatives.

On the fundamental level, EPR is a movement that promotes a variety of approaches aimed at reducing the environmental impacts of consumerism and transferring some portion of waste handling costs from municipalities to producers. The justification for this is simple: Since manufacturers and brand owners control how their products are designed, made, and packaged, they alone control whether or not these items and materials can be safely managed when they are no longer useful. Although EPR strategies are firmly in place throughout Europe and in places like Russia and Brazil (which are not known for their progressive policies) the U.S. is just starting to catch up. HB2399 is coming forward at a time when there is a great deal of movement aimed at reducing waste at the national level. It is important for Hawaii legislators to understand the context within which it is being proposed.

Creating a distinction between what happens upstream and downstream in the waste making cycle is the best way to ascertain where responsibility lies. While producers are solely responsible for upstream innovations like packaging design, the responsibility for what happens after products and packaging are no longer useful must be shared. It is neither fair nor practical to put that burden on producers alone. Consumers are the ones who discard unwanted materials, and municipalities receive significant quantities of taxpayer funding to handle them. These parts of the cycle cannot be ignored or discounted.

HB2399 evolved around this idea of shared responsibility within the context of Hawaii's unique geography, popularity among visitors and import-dependent economy. Its aim is to create a cost-sharing partnership that addresses the need for producer funding, not forever but over a transitional, 5-year period during which municipalities shift their focus away from resource destruction and towards resource recovery.

The bill is modeled after the state's existing e-waste program. It requires the top producers of fast moving consumer goods to register with the Department of Health and pay into a fund that will be used to develop needs assessments for the state's four counties and to also cover the costs of reuse pilot programs. The decision to prioritize reuse strategies is based on the fact that although they afford the greatest potential for waste reduction, these strategies seldom receive the attention and resources needed to implement them.

Last session there was a call for study that would help legislators decide which form of EPR best suits Hawaii. Recycle Hawaii is strongly opposed to this approach. The time to take action is now. Hawaii has nothing to gain from an academic assessment of EPR policy options that is sure to come back inconclusive given the dynamic and evolving state of the movement. The bill's requirements for reporting by producers and county needs assessments will generate a wealth of pertinent information that can be put to practical use, and the partnerships formed with covered producers will serve the state well beyond the 5-year program period.

HB 2399 represents a modest, cautious, first step that will have little-to-no impact on Hawaii producers. It allows the state to bide time without wasting it. As we focus on reuse strategies, large states like California are taking the lead on reforming labeling practices and requiring significant increases in recycled content. The need to comply with California mandates and EPR laws already in place in Maine and Oregon will lead to standardized packaging. Once these standards are firmly in place, and once Hawaii's own reuse pilot programs go mainstream, the responsibility to manage discarded items in ways that preserve their value can be met at the municipal level without help from producers. Keeping decision making at this level is also the best way to assure that communities in need can capitalize on the value of recovered resources to build wealth.

For these reasons Recycle Hawaii urges members of the committee for vote in favor of HB2399.

Kristine Kubat
Executive Director
Recycle Hawaii
808-747-426
admin@recyclehawaii.org



February 14, 2022

To: The Honorable Aaron Ling Johanson, Chair, the Honorable Lisa Kitagawa, Vice Chair, and members of the House Consumer Protection and Commerce Committee

From: Zero Waste Hawai'i (by Jennifer Navarra)

Re: Hearing HB2399 HD 1 RELATING TO WASTE MANAGEMENT.

Tuesday February 15, 2022, 2:00 p.m., by videoconference

Aloha Chair Johanson, Vice Chair Kitagawa and members of the House Consumer Protection and Commerce Committee,

Zero Waste Hawai'i Island (ZWHI), is a community group whose mission is to promote an equitable waste-free Hawai'i through education, advocacy and system (re)design. In May 2021 we organized a virtual statewide Zero Waste Summit with the objective of introducing participants to the idea of reusable packaging, and to rally support around introducing an extended producer responsibility (EPR) bill for packaging this legislative session. Following the summit, ZWHI facilitated an EPR working group (representatives from environmental groups, local businesses, county solid waste management employees, and the democratic caucus) that developed HB2399. It is a moderate and cautious first step to enacting EPR legislation for packaging in the state, and will not negatively impact or put any requirements on Hawai'i producers.

Most people are now aware of the plastic pollution crisis and how it is contributing towards climate change. Even top producers are coming forward to find solutions that deliver a product without all the waste. Those of us working at the grass roots in the Hawai'i zero waste movement are aware of the solutions we need to reduce packaging waste in our society; what we lack is funding to develop and pilot reuse systems. This bill will take money from top producers that can afford it, and invest it into reuse infrastructure that in the long run will save people, planet, and profit.

With this funding we can realize a new vision of how we get our products and remove packaging from our homes, offices, and businesses. Imagine a future where there are two waste bins in every home: one for organic waste and another for reusable containers. Once a week a county service picks up your organic waste and reusable containers, or you drop them off at one of many convenient locations. Behind the scenes containers are tracked, sanitized and distributed back to manufactures; creating new green jobs in transportation, engineering, and information technology. Our cities, roadsides, and waterways are free of litter because nothing is disposable; everything has value.

It was not until after World War II that we adopted a disposable culture. In the not-too-distant past we have memories of the milkman and returning glass beverage bottles for a deposit to be refilled. Combining our knowledge of reuse systems from the past with modern day tracking technologies, a

less wasteful approach to packaging will be far more convenient to consumers and more sustainable than recycling. Development of these systems are already happening. Companies like Loop (piloting reusable packaging for major brands) and Algramo (refill systems for cleaning and personal care products) are pioneering reuse and refill systems around the globe. For glass, Conscious Container is piloting reuse of beverage bottles in California, Growly is delivering craft beer in reusable growlers in Phoenix, AZ, and the Oregon Beverage Recycling cooperative is operating at scale reporting close to one million refillable beer bottle uses in 2020.

We could quickly transition to a circular system for packaging in Hawai'i if government, businesses, and consumers put our minds to it. Environmental organizations and entrepreneurs are already taking the lead: Full Cycle Takeout on Oahu and Hui Zero on Maui are offering reusable takeout containers, while Liquid Life, Loved by the Sun, Koko Kai Coconut Yogurt, and Sky Kombucha are reusing glass containers that customers return for a deposit. An ever-growing list of sustainable minded businesses that ZWHI has connected with are seeking reusable packaging solutions. What is lacking is a service that collects, washes, and redistributes reusable containers; as well as funding for infrastructure to take this system to scale. This bill would provide vital seed funding to create a reusable packing system in the state. Once established, reuse systems will lower packaging costs and reduce problems with supply chain disruptions.

Our landfills on Oahu and Kaua'i are full and there is only one landfill open on Hawai'i Island requiring all waste to be trucked to the west side. Reducing the amount of waste we create is an urgent matter. Please vote for and pass HB2399 this session! It will pave the way and provide funding to transition to a new system that will eliminate packaging waste.

Mahalo nui loa,

Jennifer Navarra
Coordinator
Zero Waste Hawai'i Island



Hawai'i Wildlife Fund

PO Box 1801, Kealahou HI 96750 (Hawai'i) & PO Box 790637, Paia HI 96779 (Maui)

Celebrating 25+ years of protecting Hawai'i's native wildlife
through research, education and conservation.

11 February 2022

Re: House Bill 2399 HD1

Aloha Chair Ling Johanson and Vice Chair Kitagawa and fellow Representatives on the Committee on Consumer Protection and Commerce (CPC),

On behalf of Hawai'i Wildlife Fund (HWF), we are writing this **letter of full SUPPORT for HB 2399 HD1** relating to waste management and establishing an Extended Producer Responsibility (EPR) Program for the state. This forward-thinking legislation will help us reduce plastic waste reaching Hawai'i and will create a program that places responsibility on big corporations and producers (with gross sales over \$500M) for the end-of-life disposal of their products. HB 2399 also encourages producers to use more circular designs, and shifts responsibility away from taxpayers, local businesses, and individual consumers (i.e., blaming the "litterbug" versus the producers). In concert with the various County-level and Statewide bans on single-use plastic products, this EPR measure and its funding mechanisms will drastically improve the way (plastic) waste is managed and accounted for in the islands, and will demonstrate how the state of Hawai'i is taking the exemplary lead towards sustainability.

Plastics (production, transport, disposal) are contributing significantly to global carbon emissions with a [new report](#) even calling plastics "the new coal". Yet the plastics industry is large and growing at an unprecedented rate to meet global plastics demand, owing to convenience and rapid urbanization. Many post-consumer and end-of-life plastics end up in priceless natural landscapes or the ocean, which not only causes visual pollution but also creates significant direct and indirect ecosystem impacts. HWF has seen evidence of these detrimental impacts over the decades with our collective efforts to remove trash from beaches throughout Hawai'i Nei, and we have documented hundreds of brand-name products from afar washing up on our remote and ecologically-sensitive coastal ecosystems. See our November 2020 blog, "[Hidden Meanings: What brand names reveal about marine debris along our southern shorelines](#)" for more details. This EPR bill (HB 2399) and its companion (SB 3246) are steps in the right direction to curb this rising tide of trash and to protect Hawaiian coastal ecosystems and our global climate crisis. *We hope that EEP Committee members pass this measure and it proceeds through the Legislature this session.*

Hawai'i Wildlife Fund (HWF) is a small nonprofit organization that has been working to conserve native species in Hawai'i since 1996. During that time, we have been actively involved in research, education, restoration and advocacy projects related to the protection of coastal and nearshore habitats. We are *not* in the waste management business, however we began community-based cleanup events in the 1990s because of the direct and indirect impacts that plastic pollution has had on our native wildlife. Since that time, we have removed over 360 tons from the shores of Hawai'i Island, Maui and Midway, and collaboratively on the French Frigate Shoals. It's time to start reducing the influx of plastic waste to our shorelines. *Many thanks for your time and consideration on this matter!*

Me ka mahalo pumehana,

Megan Lamson, M. Sc. | HWF President & Program Director (megan@wildhawaii.org)

Hannah Bernard | HWF Co-founder & Executive Director (wild@aloha.net)

HB-2399-HD-1

Submitted on: 2/11/2022 2:55:44 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Douglas Perrine	Individual	Support	No

Comments:

HB2399 is essential to help reduce the massive amounts of waste filling our landfills and littering our aina, much of which could be recycled into new products. We need to address this problem rather than burden future generations with mountains of trash leaking toxic ingredients into the environment.

HB-2399-HD-1

Submitted on: 2/12/2022 9:50:14 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Terra Shumaker	Individual	Support	No

Comments:

I support bill HB2399. It is a way to hold corporations accountable for their sustainability practices and a step in the right direction to begin to eliminate some of the wasteful packaging that will pollute our island for generations to come.

HB-2399-HD-1

Submitted on: 2/12/2022 1:33:28 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Support	No

Comments:

Support

HB-2399-HD-1

Submitted on: 2/12/2022 12:53:15 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kate Dolbier	Individual	Support	No

Comments:

I support bill HB2399. Plastic packaging is a huge source of plastic pollution. So many items we are sold are packaged in plastic. Sometimes I wonder why so much is needed. I think that associating a fee with excessive plastic packaging will help decrease the amount used. Some is necessary, but I would argue that most plastic packaging is overkill.

HB-2399-HD-1

Submitted on: 2/12/2022 3:36:54 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marsha Hee	Individual	Support	No

Comments:

Dear Committee Members & Legislature Representatives,

I respectfully submit my support of HB2399.

I support continued statewide initiatives and laws that result in the reduction of our waste stream in order to support clean and healthy air, water/ocean, land/food systems and infrastructure for future generations.

Mahalo for the opportunity to testify in support of HB2399.

Marsha Hee

(808) 985-8725

Life-long Resident of Hawaii

born in Pauoa, Honolulu

currently on Hawaii Island, **Senate District 2, House District 3**

HB-2399-HD-1

Submitted on: 2/12/2022 7:00:25 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Candace C Casper	Individual	Support	No

Comments:

We MUST find a way to put the responsibility for the extremely gross amounts of packaging waste onto the suppliers of the products. I work hard to reuse, and recycle, but it is difficult to do in a state that does not sponsor recycling of plastic. This problem cannot be ignored any more!

HB-2399-HD-1

Submitted on: 2/12/2022 8:47:44 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marlies Lee	Individual	Support	No

Comments:

I worked at a clothing store in Kailua-Kona. The amount of plastic we tossed, from single plastic wrapped socks to jeans to all the single used hangers that go into our landfill is actually mind boggling. This was the hardest for me since I care so much for our land. There are stores that use reusable hangers. It can be done with less waste. Let's try harder. Sometimes I opened a plastic bag and inside were 2 pairs of pants, each again wrapped in plastic! So wasteful.

HB-2399-HD-1

Submitted on: 2/13/2022 8:07:14 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
maria	Individual	Support	No

Comments:

Aloha Chair Lowen, Vice Chair Marten, and representatives of the EEP committee,

As I private citizen, I am writing this letter in strong support of HB 2399 and its companion relating to waste management and establishing an Extended Producer Responsibility (EPR) Program for the state of Hawai'i. This legislation will help us reduce plastic waste reaching Hawai'i and will create a program that places responsibility on big corporations and producers for the end-of-life disposal of their products.

Me ka mahalo pumehana,

Maria Lujan Achirica

HB-2399-HD-1

Submitted on: 2/13/2022 10:52:36 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anna	Individual	Support	No

Comments:

Aloha Chair, VC & committee. Please consider passing this bill as it's a step in the right direction to shift policy towards reducing our collective waste. We live in one of the most beautiful places in the world and as stewards of Hawai'i have the responsibility to do all we can to protect it for future generations. Mahalo!

HB 2399 HD 1 TESTIMONY

To: House Committee on Consumer Protection and Commerce
Hearing on Feb. 15, 2022 at 2:00 p.m.

From: John Kawamoto

Position: Support

The Earth is being overwhelmed by waste, and much of it is material used to package the myriad of products sold in a container of some sort. To reduce the waste, this bill makes the producers of the those products responsible for the packaging material. It won't eliminate the waste completely, but it's an admirable first step.

HB-2399-HD-1

Submitted on: 2/13/2022 2:45:48 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Monica Stone	Individual	Support	No

Comments:

Mahalo for receiving my testimony in SUPPORT of HB2399. It is imperative to prioritize the archipelago's waste issues in this pivotal time in human existence as it is inherently tied to climate change, the depletion of our Earth's finite resources, respecting the land, and ultimately our own fate as a species.

In gratitude,

Monica Rott Stone

Kailua-Kona, Hawai'i Island

HB-2399-HD-1

Submitted on: 2/13/2022 3:02:52 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diane Ware	Individual	Support	No

Comments:

Dear Committee Chair and Members,

Corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, sixteen of the top twenty are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable or compostable.

HB2399 positions the State to take full advantage of federal funding aimed at reducing waste.

The bipartisan Infrastructure Investment and Jobs Act of 2021, includes a \$350M “Recycling Is Infrastructure Too” initiative. The EPR fund established via SB3246 provides a pool of matching funds that will greatly increase Hawaii’s chances of receiving federal grant awards aimed at reducing waste.

HB2399 prioritizes reuse strategies as the most effective way to reduce waste.

Reduce, reuse, recycle. Our collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights the fact that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. SB3246 and HB2399 compels the top producers to take the lead on developing reuse strategies by effectively partnering them with Hawaii’s community-driven, zero waste movement. Anything less is continuing to fuel a climate crisis which will cost government and citizens much more if not addressed.

Mahalo for doing the right thing,

Diane Ware, 99-7815 Kapoha Pl, Volcano Hi 96785

HB-2399-HD-1

Submitted on: 2/13/2022 3:24:11 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Merle Hayward	Individual	Support	No

Comments:

In support of this bill to reduce toxic environmental effects of packaging waste

HB-2399-HD-1

Submitted on: 2/13/2022 3:42:10 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Melody Euaparadorn	Individual	Support	No

Comments:

Please support HB2399 relating to waste management and establishes an Extended Producer Responsibility Program for the state . Let's make product manufactures responsible for reducing the increasing amount of consumer waste on our island!

HB-2399-HD-1

Submitted on: 2/13/2022 7:19:01 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jodie Van Cleave	Individual	Support	No

Comments:

I support this bill for the sake of my 5 month old daughter and the rest of her generation and the generations to come. We have a responsibility to care for this beautiful place that we get to call home.

HB-2399-HD-1

Submitted on: 2/13/2022 7:55:57 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
bob ernst	Individual	Support	No

Comments:

HB2399

Aloha [COMMITTEE ON CONSUMER PROTECTION & COMMERCE](#)

Aloha Rep. Johnson, Chair

Aloha Rep. Kitagawa. Vice Chair

Aloha Committee Members Aquino, Har, Hashem, Kong, Mizumo, Monkawa, Onishi, Tarnas and Matsumoto,

Strongly in support of HB2399

As Hawaii Island Representatives Onishi and Tarnas well know there is **ZERO** recycling on Hawaii Island at this time and the waste hauling trucks transporting all waste from the transfer stations to the landfill includes all the packaging that could/should be recycled.

I oppose making more government and more costs added to our already current oppressive cost of living but this Bill if implemented correctly should reduce the cost of disposal of these items that should be recycled.

Every time I bring my home rubbish to the transfer station including all the items that were previously separated for recycling I am furious that our County leadership failed us so badly regarding recycling.

It is the Kuleana/responsibility of the product providers to also take responsibility for the packaging they produce , much off this packaging is totally unnecessary.

When I was stationed in Germany in the early 1960s every retail store had to provide a receptacle at the exit where customers could unpackage their purchases if they did not want to take them home. That created a strong message to the packaging industry not to over package.

While we are discussing waste management, **BACK YARD FOOD WASTE COMPOSTING** is the least expensive and easiest way to dispose of kitchen food waste. I have never put 1 ounce of food waste in the waste stream and have been back yard composting it totally for over 60 years. If you want to know how easy and inexpensive it is, please ask.

We all need to have Kuleana for our 'Aina!!

Mahalo,

Bob and Margot Ernst

HB-2399-HD-1

Submitted on: 2/13/2022 8:24:46 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Roseann Michaud	Individual	Support	No

Comments:

I strongly support this bill to create an extended producer responsibility program. The need to reduce the amount of packaging filling our landfills is great. Those companies responsible for the waste need to help reduce it.

TO: CPC and EEP
FROM: Georjean Adams
DATE: 2/13/22
RE: HB2399 HD1 Comments

I agree that this bill needs additional development in conjunction with all stakeholders to determine if this approach will achieve the stated purposes:

(1) Is particularly suited to Hawaii – where there is very little industry to achieve collection, processing, reuse or recycling in the state such that the transportation and life cycle management costs will be overwhelming.

(2) Engages the producers best suited to eliminate packaging waste in a fair and balanced way – involving high transaction costs and needs for investment in local infrastructure and extensive recordkeeping for what is likely the small Hawaiian market value for international companies.

(3) Positions the State to take full advantage of federal funding aimed at reducing waste - yes, this should be part of a national effort to influence rethinking and redesign of packaging and distribution business models.

(4) Prioritizes reuse strategies as the most effective way to accomplish this goal – priority should be given to the least life cycle health, safety, environmental and economic impactful way to manage the use and disposition of products, which may or may not mean reuse is THE solution.

In addition to the above assumptions that need to be examined, especially for the neighboring islands, we need to look at myriad issues. For example:

- How the counties are to determine how much of their waste is composed of packaging, much less how much of that packaging comes from “fast-moving consumer goods” made by large companies.
- Better defining “fast-moving consumer goods” and “nondurable” (nontrivial).
- Clarifying who is a “covered producer” in a way that avoids duplicate obligations by the distribution chain.
- How the law would be enforceable insofar as it relies on international corporate data.
- The potential impact on Hawaii’s consumers who may find many products are no longer available to them or could become very difficult to economically and/or safely acquire.

By “life cycle,” I mean the net health, environmental, safety and economic impacts and risk management costs

- at every stage of the product life:
 - acquisition of raw materials, manufacture, distribution, use and disposition and
- to everyone who may encounter or are stakeholders of the product at each stage:
 - business, workers, neighbors, users, and the environment

HB-2399-HD-1

Submitted on: 2/13/2022 10:07:10 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeffrey Orig	Individual	Support	No

Comments: Please support this bill to help our environment and to help our local businesses.

HB-2399-HD-1

Submitted on: 2/13/2022 10:46:19 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Andrea Nandoskar	Individual	Support	No

Comments:

Support

HB-2399-HD-1

Submitted on: 2/14/2022 8:30:30 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Severine Busquet	Individual	Support	No

Comments:

Aloha,

HB2399-HD1 engages the producers best suited to eliminate packaging waste in a fair and balanced way. Corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, sixteen of the top twenty are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable or compostable.

HB2399-HD1 prioritizes reuse strategies as the most effective way to reduce waste.

Reduce, reuse, recycle. Our collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights the fact that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. HB2399-HD1 compels the top producers to take the lead on developing reuse strategies by effectively partnering them with Hawaii’s community-driven, zero waste movement.

For these reasons, I strongly support HB2399-HD1.

Thanks for your attention

Severine Busquet

Hawaii Kai, Honolulu 96825

HB-2399-HD-1

Submitted on: 2/14/2022 9:57:31 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ruth Robison	Individual	Support	No

Comments:

I live in Hilo. Trash in the form of packaging comes to our island every day and never goes away. We are trucking our trash across the it Island. Recycling is not working to solve the problem. Extended producer responsibility has been show to work as a strategy to reduce incoming waste. We need to become smarter in the way we deal with waste. HB2399 will help us do that. Thank you.

HB-2399-HD-1

Submitted on: 2/14/2022 10:00:44 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cara Oba	Individual	Support	No

Comments:

I support extended producer responsibility. This is a means to provide feedback to corporations that we want faster action. Thank you!

HB-2399-HD-1

Submitted on: 2/14/2022 10:34:01 AM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristen Kelly	Individual	Support	No

Comments:

I support this bill, I support a cleaner Hawaii and an example for the rest of the world

HB-2399-HD-1

Submitted on: 2/14/2022 12:51:50 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Stone	Individual	Support	No

Comments:

My name is Michael D. Stone, I am a former graduate student in the Tropical Conservation Biology and Environmental Science Program at the University of Hawai‘i at Hilo who studied the global impacts of plastic pollution.

First, I would like to thank you all for this opportunity for my voice to be heard. I hope by doing so I can help the cause and get more colleagues and students familiar with the process of exercising our voice within the community. I am in strong support of HB2399.

Well, without a doubt, there is enough literature and evidence to convince anyone who reads that plastic pollution is extreme. To change the world, we must act locally and within our communities. The time to act is now, and I believe that the legislative process and prevention policy is the weapon of choice. No waste or recycling station in the world is equipped to deal with the ever-increasing volume of plastic pollution we are creating. Too much single-use packaging is being produced with no plan for what to do with it afterward. That's why it is crucial that we begin to implement these EPR programs such as what is stated in HB2399.

I believe that passing HB2399 is a big step In the right direction. Mahalo

HB-2399-HD-1

Submitted on: 2/14/2022 1:17:52 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Danya Hakeem	Individual	Support	No

Comments:

Dear Chair Johanson and Vice Chair Kitagawa,

I am in strong support of HB2399 recommending the established of an extended producer responsibility program and establishing fees for the waste produced. The climate crisis is the most serious threat the globe is facing right now, and there is a dire need to eliminate overdependence on extractive industries. Circular Economy initiatives are gaining momentum all over the world to transition economic activity to be sustainable and regenerative, and this bill will make Hawaii a leader in the transition. This bill will enable entrepreneurs across our community to have the resources and incentives they need to make that future a reality.

Thank you,
Danya

HB-2399-HD-1

Submitted on: 2/14/2022 1:23:17 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Matthew Geyer	Individual	Support	Yes

Comments:

Thank you for hearing and supporting HB2399 HD1 which extends producers responsibility for the products they create. Companies need to start taking responsibility for their creations and reduce the creation of single use polluting products.

HB-2399-HD-1

Submitted on: 2/14/2022 1:24:29 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kalyn Simon	Individual	Support	No

Comments:

Waste is a detriment to our communities and environment. We should be holding producers responsible for the massive contribution of plastic waste and pollution that they generate through fast-moving consumer packaged goods. It is in the best interest of our people and the planet, to hold these producers responsible and to create access to reusable packaging. This bill is an important factor to enable a circular economy and tackle plastic pollution at scale. This bill is imperative to pass!

HB-2399-HD-1

Submitted on: 2/14/2022 1:37:06 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Briana Rodrique	Individual	Support	No

Comments:

I support this measure

SOLID WASTE MANAGEMENT DIVISION

DEPARTMENT OF PUBLIC WORKS

TROY TANIGAWA, ACTING COUNTY ENGINEER

MICHAEL H. TRESLER, ACTING DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

Testimony of Allison Fraley
Solid Waste Programs Coordinator
County of Kaua'i
Department of Public Works

LATE

Before the
Committee on Consumer Protection & Commerce
Tuesday, February 15, 2022
Via Videoconference

In consideration of
House Bill 2399 HD1
Relating to Waste Management

Honorable Chair Johanson and Vice Chair Kitagawa and Members of the Committee:

The County of Kaua'i Department of Public Works submits testimony **in support** of House Bill 2399 HD1 which establishes an extended producer responsibility (EPR) program for packaging.

Using the State's Deposit Beverage Container and Electronic Waste Recycling legislation as examples of successful EPR programs, these laws have resulted in the intended effect of significantly increasing waste diversion for targeted materials. These programs keep valuable resources out of landfills and allows for proper management of material and reduce the need for the extraction of virgin resources from the earth.

By creating a system where manufacturers are accountable for the end of life of their packaging, these responsible parties can address environmental problems and create packaging that is easier to manage without using additional material that may or may not be recyclable. The corporations that produce the greatest volume of consumer goods have a unique role to play in solving the problems caused by packaging waste. Among these corporations, sixteen of the top twenty are signatories to the Global Commitment for a New Plastics Economy, an initiative developed by the Ellen MacArthur Foundation and the United Nations Environmental Programme as a primary means for implementing waste-related sustainable development goals. These existing commitments have signatories who are on track to reduce the volume of plastic packaging waste that their business models generate and ensure that whatever remains is either reusable, recyclable, or compostable.

We understand that there may be push-back from groups that feel costs will increase on general goods. But all products have disposal cost attached to them that must be paid in one way or another. Unrecyclable packaging must be landfilled and takes up valuable airspace and may also enter the environment through waterways, eventually reaching the ocean to be eaten by fish and birds creating even greater environmental challenge.

The County of Kaua'i supports the State Department of Health's needs for staffing to properly manage the program as well as their request to move the implementation date to a time that best suits them.

We respectfully ask that this committee **pass** House Bill 2399 HD1.

LATE

HB-2399-HD-1

Submitted on: 2/14/2022 2:01:44 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
pamela burrell	apollo kauai, zero waste kauai	Support	No

Comments:

Aloha House members,

HB2399 is an extremely important bill to incentivize producers to produce less waste!

(honestly we should ban bottled water altogether, except for emergencies)

Hawaii’s market share is small, but our low resident population, remote location bounded by the Pacific Ocean, global image as a pristine environment, and steady influx of visitors makes it the perfect proving grounds for innovative reuse strategies.

The bill’s purpose aligns with the visitor industry’s pivot towards regenerative tourism by reducing waste and satisfying visitor demands for a less-impactful experience.

warmest aloha,

pamela burrell, Kalihiwai, Kauai

LATE

HB-2399-HD-1

Submitted on: 2/14/2022 2:23:30 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dave Mulinix	Our Revolution Hawaii	Support	Yes

Comments:

Aloha Committee,

On behalf of Our Revolution Hawaii's 5,000 members and supporters statewide, we stand in strong support of HB2399 that establishes an extended producer responsibility program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an extended producer responsibility special fund. Provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by 50% and 80%.

Mahalo for your kind attention,

David Mulinix, Cofounder & Organizer

Our Revolution Hawaii



**American
Forest & Paper
Association**

LATE

February 15, 2022

Chair Aaron Ling Johanson
House Committee on Consumer Protection & Commerce
Hawaii State Legislature
415 South Beretania St
Honolulu, HI 96813

RE: Opposition to HB 2399: Relating to Waste Management

Dear Members of the Committee on Consumer Protection & Commerce:

On behalf of the American Forest & Paper Association¹ (AF&PA), I write to express opposition to HB 2399 which would establish an extended producer responsibility (EPR) program for fast-moving consumer goods. The paper industry has a demonstrated, measurable record of success in making paper and paper-based packaging more circular and sustainable through market-based approaches.

In Hawaii, the industry employs nearly 700 individuals, with an annual payroll of over \$17.7 million.

Focus On Solutions for Products with Low Recycling Rates

HB 2399 should take a more solution-oriented approach focused on problematic materials in the commingled residential collection stream. Paper recycling has enjoyed decades of success because of the industry's investments, consumer education, the wide availability of recycling programs, and the efforts of millions of Americans who recycle at home, work, and school every day. The paper products industry is proud to be part of the recycling solution by providing renewable, sustainable, and highly recycled products for consumers.

We respectfully ask policymakers to focus on improving recycling for materials with low recovery rates which contaminate the recycling stream. AF&PA continues to support promoting increased participation in community recycling programs and other best practices, in addition to focusing on hard-to-recycle materials where there may not yet be a well-developed collection infrastructure or good recovery results.

Paper Recycling Works

EPR policies are typically applied as a solution for hazardous, hard-to-handle materials with low recycling rates, such as batteries, paint, mattresses, or electronics. However, for a highly recycled material like paper,

¹ AF&PA serves to advance U.S. paper and wood products manufacturers through fact-based public policy and marketplace advocacy. The forest products industry is circular by nature. AF&PA member companies make essential products from renewable and recycle resources, generate renewable bioenergy and are committed to continuous improvement through the industry's sustainability initiative — [Better Practices, Better Planet 2030: Sustainable Products for a Sustainable Future](#). The forest products industry accounts for approximately four percent of the total U.S. manufacturing GDP, manufactures nearly \$300 billion in products annually and employs approximately 950,000 people. The industry meets a payroll of approximately \$60 billion annually and is among the top 10 manufacturing sector employers in 45 states.

with widely accessible collection programs and robust and resilient end markets, EPR could unintentionally disrupt efficient and successful paper recycling streams when attempting to improve the least effective streams. We respectfully ask policymakers to focus on improving recycling for materials with low recovery rates, instead of creating mandates and fees for paper producers that could direct capital away from investing in recycling infrastructure.

The paper recycling rate has grown over the decades, and remains consistently high, meeting or exceeding 63 percent since 2009.² In 2020, two-thirds of paper consumed in the United States was recovered for recycling, including 89% of cardboard. Technological innovations in product design and recycling processes are continuously allowing our industry to access and recycle more paper-based products.

The U.S. EPA data confirms the superior record and environmental success story of paper recycling from municipal collection programs.³ According to the EPA, in 2018 (the most recent EPA data available) paper and paper-based packaging had a far higher recycling rate from municipal solid waste (MSW) streams than other major recyclable commodities: Paper (68.2%); Steel (33.1%); Glass (25.0%); Aluminum (17.2%); and Plastics (8.5%).⁴ Put another way, more paper by weight is recovered for recycling from municipal solid waste streams than plastic, glass, steel and aluminum combined.⁵ EPA statistics also show in 2018, 46 million tons of paper and paperboard were recycled from municipal solid waste, compared to 3 million tons of plastics. By contrast, that year 27 million tons of plastics in municipal solid waste were sent to landfills – that’s 76 percent of all plastic waste.⁶

Robust investment in end market use for recovered paper is an essential pillar of the industry’s success. Between 2019 and 2023, U.S. packaging and pulp producers committed to investing more than \$4.1 billion in new manufacturing capacity specifically designed to use over 7 million additional tons of recovered paper per year to manufacture new products.

EPR Policies Introduce Uncertainty in Fee Structure and Disrupt Flow of Material

EPR policies must be carefully designed to avoid creating fees or mandates that could disrupt efficient and successful paper recycling streams and that direct private sector funds away from investment in recycling infrastructure. HB 2399 requires funding to be given to local governments to pay for their collection of readily recyclable materials, but this is a cost-shifting mechanism common in other EPR programs that does not create added value or end markets for recyclable materials. The paper industry already contributes to economically sustainable recycling programs by purchasing and utilizing material sourced from residential collection programs in manufacturing new products.

Recycling programs in the U.S. are operated by local governments, which have more freedom to tailor recycling programs to the needs of local communities. The record of highly centralized, command-and-control EPR programs in Canada and Europe offers no real proof of advantages over the market-based approaches and locally-operated programs prevalent in the U.S. Of note, a 2021 research paper performed by York University in Ontario concluded there is no evidence to indicate that the steward-operated EPR program in Canada will result in cost containment or increased recycling performance.⁸

²<https://www.paperrecycles.org/media/news/2020/05/12/u.s.-paper-industry-achieves-consistently-high-recycling-rate>

³ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020.](#)

⁴ <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>

⁵ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020.](#)

⁶ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020](#)

Conclusion

AF&PA appreciates the opportunity to share our concerns with HB 2399. We encourage the Committee to avoid measures that might penalize paper and paper-based packaging. Additionally, given how Hawaii is a unique island State, with 80% of all goods and products coming from harbors and ports, we urge caution when considering legislation that could increase the cost of essential goods for Hawaiians. Please direct any follow up regarding this letter to Erin Hall, Manager of Government Affairs, AF&PA at erin_hall@afandpa.org.

Sincerely,

A handwritten signature in blue ink that reads "Eric J. Steiner". The signature is written in a cursive style with a clear, legible font.

Eric Steiner
Vice President, Government Affairs
American Forest & Paper Association



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

Executive Officers

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John Schliff, Rainbow Sales and Marketing, *Advisor*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO: Committee on Consumer Protection and Commerce
Rep. Aaron Ling Johanson, Chair
Rep. Lisa Kitagawa, Vice Chair

LATE

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 15, 2022
TIME: 2pm
PLACE: Via Videoconference

RE: HB2399 Relating to Waste Management

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA is in opposition to this measure. We are currently in the midst of a global supply chain crisis. Hawaii is the most isolated population center on our planet. Keeping over 1 million Hawaii residents and visitors fed and supplied with essential items is an extreme logistical challenge even in the best of times. Our member businesses continue to meet that challenge every day without fail. To create an additional burden for the businesses that feed out state is not the right choice for Hawaii, especially during an ongoing global pandemic and ongoing global supply chain disruptions.

HFIA was a part of the Plastic Source Reduction Working Group (PSRWG) that convened in 2020 per Act 254, the group also included representatives from the Department of Health, The Department of Land and Natural Resources, the Hawaii Tourism Authority, representatives from each County, other industry representatives, and representatives from leading environmental groups.

The PSRWG engaged in extensive discussion about Extended Producer Responsibility or EPR. The PSRWG's Final Report¹ was unanimously approved and made the following recommendation:

¹ <https://health.hawaii.gov/shwb/files/2021/01/Final-PSRWG-Report-to-Leg.pdf>

Undertake a fair and careful study of Extended Producer Responsibility (EPR)

Discussion EPR is a policy approach to waste reduction that encourages manufacturers to design environmentally friendly products by holding them responsible for the costs of managing their products at the end of life. EPR shifts the economic burden of the cost of disposal, recycling, and cleanup from the government to the producer of the product. According to the Organization for Economic Co-operation and Development, assigning such responsibility could in principle provide incentives to prevent wastes at the source, promote product redesign for environmental protection, and support public recycling and materials management goals. The study should include a comprehensive legislation and literature review on the impacts of a possible EPR law for packaging in Hawai'i. This study should incorporate lessons learned and discussions from other states and the federal government that have been pursuing parallel efforts to implement EPR.

The study should analyze the following two specific scenarios:

- (1) EPR in Hawai'i independent of other state and federal packaging EPR initiatives; and
- (2) packaging EPR in Hawai'i in conjunction or synchronicity with other state and federal initiatives.

The study should evaluate:

- the best science available;
- costs and benefits to all stakeholders (i.e. environment, consumers, taxpayers, government, and businesses, etc.);
- the pros and cons; as well as • feasibility.

As this recommendation notes, an EPR policy, such as the one being proposed in this measure is likely to have a range of potential costs in addition to any benefits. These costs could include price increases for consumers, decreased product availability, tax increases, and costs to businesses, including local businesses.

We believe that it would be imprudent to pass this measure or other EPR legislation in Hawaii without understanding the costs and benefits. HFIA is in support of conducting a study of EPR when the state is able to fund such a study.

We would also like to highlight the fact that packaging laws for products, especially medicine and food, are created at the national level with the primary goal of keeping people safe. Any state legislation needs to take this into consideration and cannot contradict Federal laws.

For these reasons this measure is not the right choice for our state, and we ask that it be held. Thank you for the opportunity to testify.



CONSUMER
HEALTHCARE
PRODUCTS
ASSOCIATION

Taking healthcare personally.

LATE

February 14, 2022

To: Consumer Protection & Commerce Committee
The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair

Fr: Carlos I. Gutiérrez, Vice President, State & Local Government Affairs
Consumer Healthcare Products Association

RE: HB 2399 HD1 - Relating to Extended Producer Responsibility - OPPOSE

On behalf of the Consumer Healthcare Products Association (CHPA), the national trade association representing the leading manufacturers of over-the-counter medicines (OTC), dietary supplements, and consumer medical devices, I'm writing to express opposition to H.B. HB 2399 HD1. While we share a desire to increase recycling and reduce waste to landfills, we cannot support a state program that potentially conflicts with existing federally mandated packaging requirements meant to ensure consumer safety, medicinal efficacy, and product stability. We also hesitate to support legislation that will add to already historic inflationary pressures that threaten the affordability of personal healthcare for thousands of Hawai'i residents.

Consumer Healthcare Product Packaging Focuses on Safety

Manufacturers of consumer healthcare products take very seriously the types of packaging used to transport, store, and safely deliver consumer healthcare products to consumers seeking self-care options. As the first line of defense for Americans looking to address minor health ailments, consumer healthcare product packaging must withstand the rigors of volatile temperature changes during transport, lengthy durations on store shelves and medicine cabinets, and illicit tampering of the product itself before it is consumed. A very complex and highly regulated federal framework for OTC consumer healthcare packaging has been in place for decades and serves to provide safety, efficacy, and stability of products for consumers. State action on packaging for these products likely conflicts with federal laws and regulations already in place and could compromise the end safety, affordability, and stability of the product themselves.

OTC Product Packaging Are Regulated by the Federal Government

Packaging of consumer healthcare products differs from other consumer products in that it is often dictated by federal rules and regulations. The Food and Drug Administration (FDA) regulates drug product packaging under Good Manufacturing Practices regulations (GMPs) (21 C.F.R. Part 211, Subpart G), including material examination and usage criteria (§211.122), packaging and labeling operations (§ 211.130), tamper-evident packaging (§ 211.132), and expiration dating (§ 211.137). Certain drugs are also regulated by the Consumer Product Safety Commission (CPSC) under the Poison Prevention Packaging Act (PPPA), which requires child resistant packaging. Manufacturers are required to test and certify compliance. In addition, drug products for which packaging does not comply with PPPA packaging and labeling regulations are misbranded under the FDCA (21 U.S.C. § 352(p)). Any attempt by the state of Hawai'i to limit packaging could cause conflict between state and federal law. Manufactures

of consumer healthcare products, therefore, should not be penalized for using packaging that satisfies existing federal requirements for safety and stability.

Consumer Healthcare Products Should Be Exempt from State Packaging Stewardship Programs

To avoid conflict between state and federal law, CHPA recommends exempting FDA approved consumer healthcare products from the requirements of HB 2399 HD1. This exemption can be accomplished by including the language pasted below:

“Any material that is used in the packaging of a product that is regulated as a drug, medical device or dietary supplement by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq., sec. 3.2(e) of 21 U.S. Code of Federal Regulations or the Dietary Supplement Health and Education Act is exempt.”

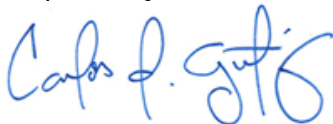
Consumer Healthcare Products Play a Critical Role in American Healthcare

Thousands of Hawai'i residents rely on consumer healthcare products as an easily accessible, affordable, and effective first line of defense against common ailments and illnesses. The COVID-19 pandemic has illustrated the importance of these products in limiting needless visits to doctors' offices and boosting immune health for American families. Today, Hawai'i residents are facing historically high inflation rates not seen in decades. The costs associated with this proposed program will exacerbate already existing inflationary pressures and hurt Hawai'i residents' ability to treat common health ailments affordably.

Conclusion

Thank you for taking the time to consider our concerns and feel free to contact me or our local representative, Lauren Zirbel, directly with any follow up questions you may have.

Respectfully submitted,



Carlos I. Gutierrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
cgutierrez@chpa.org | 202-429-3521

LATE

HB-2399-HD-1

Submitted on: 2/14/2022 3:59:32 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Kuzmier	Individual	Support	No

Comments:

I am absolutely in favor of legislation which passes packaging waste costs to the producer and not to us the consumer.

As you are probably aware, Hawaii is awash in plastic waste with no good way to get rid of it. Plastic is not biodegradable in any sustainable sense and as an isolated island community, I am very concerned about what all of this pollution is going to do to the ecosystem and believe it is essential to find a way to make it more difficult for plastic to be part of our economy to begin with.

Many will say, well, if you don't like the plastic, don't buy it. Or, go recycle it. However, this puts great stress on many people who can't afford the most ecological thing on the market, don't have access to them. Or, like in Hawaii County, no good way to recycle the stuff. Not to mention, the markets that are willing to buy the plastic that is recycled are getting smaller and smaller. In other words, there is a lot of stress to the consumer, and does not leave many free choices or a sense of fair play for many.

I believe what the main argument will be to those who oppose this bill is that companies will just push the price to consumers via cost to offset the economic hit they will face, and that we are telling people what to do and legislating behavior. However, in a free market economy, there is supposedly competition. There is no reason why a 'free market' can't include the incentives to be more sustainable. Certified B companies have proven that investing into sustainable objectives can be market driven. Many have done so already. So the more companies can compete on the level of who is greener than whom to secure business and customers, the better. As a free citizen, I want my government to support those initiatives which will protect my health and that of the community I live in and believe that finding ways to limit plastic is one of them.

Mahalo for taking time to read my concerns.

LATE

HB-2399-HD-1

Submitted on: 2/14/2022 2:51:59 PM

Testimony for CPC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tiffany Huynh	Individual	Support	No

Comments:

Aloha,

As we find ways to mitigate the effects of climate change. This bill is an important step in creating a more circular economy and instilling a greater sense of kuleana in how we handle waste for our home and island state. In this climate crisis, there is no silver bullet that will help us to rapidly decarbonize our economy. It will take all of us changing our behaviors and practices and doing many different things. From how we think about our personal energy consumption and buying patterns to how we handle our industrial waste.

Mahalo for the opportunity to submit my support for this bill and yet another great step in the right direction for our home.

Tiffany